

**An Order Establishing the Lower Common Neighborhood Conservation District  
1-11-06**

By order of the City Council of the City of Cambridge:

**I. Designation of the Lower Common Neighborhood Conservation District**

Pursuant to Chapter 2.78 of the Code of the City of Cambridge, the area having the boundaries set forth on the map entitled "Lower Common Neighborhood Conservation District," a copy of which is attached to this Order, is hereby designated as a neighborhood conservation district to be called the "Lower Common Neighborhood Conservation District" (hereinafter the "District").

**II. Purpose of the District<sup>1</sup>**

The purpose of the District is to conserve the character, variety and scale of the district's streetscapes and architecture as described in the Lower Common Neighborhood Conservation District Study Committee Report dated xxxxxx<sup>2</sup>. Changes to the District that are compatible with the following specific goals may occur:

- Conserve the historic development patterns of the neighborhood, including the distinctive street layout of interior, resident- and pedestrian-oriented streets which are bounded by the neighborhood's automobile-oriented cross streets. Encourage site or landscape improvements that enhance the variety of pedestrian pathways through the neighborhood. Maintain the neighborhood's existing patterns of modern alterations to neighborhood streetscapes, including the provision of minimal side and back yard parking, the construction of traditional back yard garages, and the installation of privacy fences that preserve and maintain visual access to the front and portions of the side wall planes of houses from the public way. Allow for provision of structured rear-lot parking, on-, below- and above-grade, at buildings with more than four dwelling units.
- Conserve the character, variety and scale of the neighborhood's architecture, its amalgamation of building styles, and the functional alteration patterns of its structures, including protecting and preserving the neighborhood's buildings, with particular attention to protection and preservation of properties listed on the National Register of Historic Places, of properties constructed before 1840, of the neighborhood's open

---

<sup>1</sup> Purposes could be broken out into primary and secondary goals or purposes if desired

<sup>2</sup> Add précis of narrative here?

The street layout of the neighborhood reflects the 1724 partition of the Cambridge Common (originally bounded by Massachusetts Avenue, Linnaean, Garden and Waterhouse streets). Three overall periods define the neighborhood's development and can be generally characterized as follows: cottages and double house construction (184?-1873), single family house construction (1873-1900), and apartment block and townhouse construction (1900-198?). The resulting pattern juxtaposes buildings of widely varying styles and scales on most blocks and created a high density of development with many structures close to the sidewalk and nearly filling their lots. The neighborhood possesses a substantial number of double houses in all the major 19<sup>th</sup>-century architectural styles. Most single-family houses were constructed in the last quarter of the 19<sup>th</sup> century in the Queen Anne, Shingle Style, or Colonial Revival style; most have veranda-type porches, asymmetrical massing, varied rooflines, and abundant architectural detail. Many masonry apartment blocks were constructed in the first half of the 20<sup>th</sup> century; these often possess landscaped courtyard or entrance features, sleeping porches, fencing, gates, and abundant masonry ornament. Many neighborhood structures have been altered over the decades: small additions, including porch enclosures, dormers, extensions, and decks are common. Features such as original windows, doors, or shutters have been replaced or removed. Low fencing in front of buildings is common, as are taller fences at the sides and backs of property. Many lots have been partially paved for parking of automobiles and small garages have also been added.

porches and verandas, and of the visual unity of the neighborhood's double houses and rowhouses. Maintain the neighborhood's existing patterns of modern alterations to neighborhood structures, including the addition of traditionally-scaled and detailed dormers, bays, and ells, the minimal enclosure of open porches and verandas, the maintenance of major unifying elements of the street facades of double houses and rowhouses, and the introduction of visually-indistinguishable modern materials and replacement building components

- Allow for the introduction of alterations that support the above conservation goals and provide administrative procedures to enhance predictability of outcomes and timeframes for property owners.

### **III. Administration**

The Lower Common Neighborhood District Commission (the "Commission") shall be established under Chapter 2.78 of the Code to administer the provisions of this Order in accordance with Sections IV, V, and VI below. (The Executive Director of the Cambridge Historical Commission (the "Executive Director") shall administer certain provisions of this Order in accordance with Subsections VI, A. & B. below.)<sup>3</sup>

### **IV. Scope of Commission's Authority**

A. Determinations of the Commission: The authority of the Commission shall extend to the review of all construction, demolition or alteration that affects exterior architectural features, other than color, within the District, except as otherwise provided in this Order. The determinations of the Commission shall be binding.

B. Certificates of Nonapplicability: The following categories of alterations shall be issued a Certificate of Nonapplicability provided they conform to the following standards of the Lower Common Neighborhood Conservation District:

1. Walls and fences within a required Front Yard of a property as defined in the Cambridge Zoning Ordinance which are four feet high or less as measured from the grade of the sidewalk or the surface of the ground immediately below the wall or fence, whichever grade is lower, and walls and fences elsewhere on the property which are six feet high or less as measured from the grade of the sidewalk or the surface of the ground immediately below the wall or fence, whichever grade is lower.
2. A roof dormer that complies with the Design Guidelines for Roof Dormers then in effect and issued by the Cambridge Board of Zoning Appeals and that replicates the materials, window types, and detailing of the structure on which it is to be constructed.
3. One or more wood-exterior replacement sash, with either a true-divided lite or a simulated-divided lite construction, dark spacer bar, and half-screen, in a size, configuration, and proportions matching the existing opening and sash to be replaced.
4. Porch enclosures that retain the appearance, proportions and materials of all existing doors, windows, roofs, gutters, columns, posts, railings, and trim and that enclose no more than 25% of the floor area contained in the porch.
5. Alterations to the façade elevations(s) of any structures constructed as double houses or rowhouses that retain the appearance, proportions and materials of the façade and do not cover

---

<sup>3</sup> I have eliminated this procedure in favor of additional specified exempted or allowable activities as indicated in section IV

a visually important part of the original structure<sup>4</sup>.

C. Exclusions from Review: Pursuant to Ch. 2.78.190.B., the authority of the Commission shall not extend to the following categories of structures or exterior architectural features and such structures or features may be constructed or altered without review by the Commission.

1. Work described in Subsections B1, B2, B4, B5 and B7 of Section 2.78.190 and in Section 2.78.200<sup>5</sup>.
2. Paint color.
3. Flat skylights or solar collectors parallel to and in close contact with the plane of the roof, provided only that all new and existing skylights and collectors are not larger than one-third of the area of the roof plane in which they are installed.
4. Intake and exhaust vents of less than one square foot in area, provided only that no more than two such vents are installed on an elevation.
5. Chimney caps, provided only that they are installed in a manner that will allow their removal without altering the structure or appearance of the chimney.
6. Demolition of existing structures originally constructed to garage automobiles.

## V. Standards of Review

A. General criteria for consideration: The Commission shall grant a Certificate of Appropriateness for work that is consistent with the purposes of this Order and not incongruous<sup>6</sup> to the existing structure, the streetscape on which the structure is located, and the District. The Commission may grant a Certificate of Hardship, temporary or otherwise, for work that it determines may be approved without substantial detriment to the public welfare and without substantial derogation from the purposes of this

---

<sup>4</sup> A visually important part of the original structure is defined as those portions of the structure that are located within the primary view of the public way, including the front yard setback(s) and any publicly-visible portions of the structure to a depth of (20? 25? 30?) of the main front wall plane(s) of the structure.

<sup>5</sup> 2.78.190:

1. The application of exterior wall material in a manner that does not require the removal or enclosure of any cornice, fascia, soffit, bay, porch, hood, window or door casing, or any other protruding decorative element;
2. Alternations to the exterior of existing structures that do not increase or diminish the size and location of windows and doors, cause the removal of any bay, porch, hood, window or door casing or any other protruding decorative element, or alter the appearance of a roof;
4. Signs, temporary structures, lawn statuary, or recreational equipment, subject to such conditions as to duration of use, dimension, location, lighting, removal and similar matters as the Commission may reasonably specify;
5. Terraces, walks, driveways, sidewalks and similar structures substantially at grade level;
7. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, trelliswork and similar appurtenances. (Ord. 1002 (part), 1983: prior code § 2-147(k)(5))

2.78.200:

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature of a landmark or within a neighborhood conservation district which does not involve a change in design or material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, not construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the order which designates that landmark or district, nor construed to prevent the reconstruction, substantially similar in exterior design, of a structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence. (Ord. 1002 (part), 1983: prior code § 2-147(k) (6))

<sup>6</sup> Not incongruous is defined as compatible, harmonious, in keeping, consonant, suitable, or appropriate and may include work that is identical to, visually indistinguishable from, or distinctive but complementary.

Order, if failure to grant a Certificate of Appropriateness will involve a substantial hardship, financial or otherwise, to the applicant and if the particular conditions especially affect the structure involved, but not the District generally.

B. Issuance of Certificates of Appropriateness: A Certificate of Appropriateness shall be issued for proposed work as follows:

1. (a) If for an addition to a structure, including a porch enclosure other than as indicated in section IV. B. 4. above, the addition has a roof shape, massing, and visible proportions compatible with, or that replicate or are substantially similar to, the existing structure, the appearance of whose exterior architectural features (materials, detailing, windows, and doors) are compatible with, or replicate or are substantially similar to those of the existing structure and that does not cover a visually important part of the original structure.
1. (b) If not as described in (a), the addition has a roof shape, massing, visible proportions, materials, and exterior architectural features that are architecturally distinct from the original structure but are part of a creative, contemporary design that complements and contributes to the structure, the streetscape, and the District.
2. If for the alteration or addition of exterior architectural features other than as indicated in section IV B. and C. of this Order, and including a window, door, window or door casing, cornice, fascia, soffit, bay, porch, hood, shutter or any other protruding decorative element, the exterior architectural feature(s) being altered or added are identical to, visually indistinguishable from, or distinctive but complementary to comparable features found on the same structure or on the original part of a structure of similar architectural style in the District.
3. If for the construction of new structure, the visible proportions, massing, orientation on the lot, materials, character, and scale of the new structure are not incongruous with the streetscape of which it is a part, or that replicate or are substantially similar to the appearance of other structures in the streetscape or the District, or if architecturally distinct, is part of a creative, contemporary design that complements and contributes to the streetscape and the District.
4. (a) If for partial demolition of a structure, the partial demolition does not remove a visually important part of a structure and the proposed work can be approved as described in Sections IV and V, A. and B. 1. (a) and (b) and 2. of this Order.
4. (b) If for total demolition of a structure, the cost of repairs to make it conform to applicable building and health codes exceeds 150% of the cost of a new structure of the same gross floor area and the proposed replacement structure can be approved as described in Section V, A. and B. 3. above.
5. If for the relocation of a structure on its site if, as relocated, its visible proportions, setbacks and orientation on the lot are compatible with the streetscape of which it is a part and the relocated structure can be approved as described in Section V, A. and B. above.

C. Characteristics to be considered: Developments that are not incongruous to the historic aspects, architectural significance, or distinctive character of the District shall not be prevented. In making its

decision to allow or deny a Certificate of Appropriateness or Hardship for any proposed work, the Commission shall consider the following:

1. The exterior architectural features of the structure including the composition and appearance of their materials and including but not limited to doors, windows, gutters, downspouts, shutters, fences, ornaments, and masonry pointing.
2. The scale, amount, and style of architectural detailing.
3. The shape of the roof.
4. The proportions of the publicly-visible planes of the structure.
5. The massing and volume of the structure.
6. The orientation and setbacks of the proposed work.
7. The effect of the changes on the neighboring structures and on the immediate streetscape.

D. Protected Structures: Notwithstanding the provisions of the Order, the Final Report of the Lower Common Neighborhood Conservation District Study Committee, and such regulations as the Lower Common Neighborhood Conservation District Commission or the Cambridge Historical Commission may from time to time adopt in this regard, all alterations to structures at the following addresses shall require review in accordance with Ch. 2.78, Article III:

35 Bowdoin Street  
26 Gray Street  
46 Hudson Place  
1 Potter Park

E. Limitations of authority: The Commission or Executive Director shall have no authority to (1) require any change in any part of a structure, its exterior architectural features, the premises on which the structure is located or any other structure on the same premises which is not the subject of the application or (2) require restoration to a previous condition of any exterior architectural feature of the structure which is not the subject of the application.

## **VI. Procedure**

A. An application for proposed work shall be on forms prescribed by the Commission, signed by the owner of the property on which the work is to be performed, or, in the case of properties in condominium ownership, by the condominium association trustees on behalf of the unit owner, (the "applicant") and filed with the Cambridge Historical Commission (the "Historical Commission"). If no Certificate of Appropriateness is required hereunder for the work, the Executive Director shall promptly issue a Certificate of Nonapplicability to the applicant.

B. The Commission may, at any time or times, after giving not less than thirty (30) days notice by first class mail to each property owner in the District of the date, time and place of a public meeting, adopt, amend or revoke any rule it is permitted to adopt under Chapter 2.78 of the Code.

C. Whenever the Commission makes a decision to allow or deny a Certificate of Appropriateness or Hardship, it shall include as part of that decision in writing the findings upon which the decision is based.

D. When taking action under the provisions of this Order, the Commission shall make its determinations within forty-five days after the filing of a complete application for a Certificate of

Appropriateness, Nonapplicability, or Hardship, or within such further time as the applicant may in writing allow.

## **VII. Coordination With Other Agencies and Boards**

The Historical Commission, Board of Zoning Appeals, Inspectional Services Department and other City boards, agencies and officials are directed to coordinate all review, hearing, permitting and other procedures relative to proposed work within the District to the extent practicable, consistent with their respective responsibilities.

The Inspectional Services Department shall not issue a building permit for proposed work until the Commission or the Executive Director has issued a Certificate of Appropriateness, Nonapplicability or Hardship in accordance with this Order.

## **VIII. Term of Designation**

The designation of the Lower Common Neighborhood Conservation District in Section I above shall expire X years after the date of the adoption of this Order unless, prior to the expiration date:

A. The Historical Commission prepares a report to the City Manager and City Council summarizing the activities of the Commission and Executive Director with respect to the District since the date of the adoption of this Order and containing any recommendations for changes in this Order by the Commission or the Historical Commission;

B. Before completing said report, the Historical Commission holds a public hearing [*in the District?*] to consider said report, to determine the opinion of District property owners with respect to the desirability of the District and to solicit the views of such owners on changes to be made in this Order; and

C. The City Council by affirmative vote again adopts this Order or adopts this Order with amendments.